

Requirements for accreditation and market surveillance relating to the marketing of products (repeal. Regulation (EEC) No 339/93)

2007/0029(COD) - 14/02/2007 - Legislative proposal

PURPOSE: to establish requirements for accreditation and market surveillance for the marketing of products.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the free movement of goods forms a central pillar of the single market. Community technical legislation ensuring the free circulation of products has contributed considerably to the completion and proper functioning of the EU's internal market. A number of secondary legislative initiatives support the free circulation of goods across the EU. They include the "new" approach Directives; legislation on setting out the basic rules for CE marking and the application of harmonised conformity assessment procedures; legislation on recognising the role of the European standardisation organisations; and the priority of European standards and legislation on product safety.

Experience has shown, however, that obstacles to the free movement of goods remain. The obstacles identified are:

- a distortion of competition due to differing practices in the "designation of conformity" by the national assessment bodies;
- an unequal treatment of "non-complying" or dangerous products on the market through the use of very different national market surveillance regulations, rules and means;
- a certain lack of trust in conformity marking; and
- a certain lack of coherence in the implementation and enforcement of existing EU legislation.

CONTENT: the purpose of this proposal, therefore, is:

- to lay down rules on the organisation and operation of accreditation of conformity assessment bodies that perform product assessment;
- to provide a framework for market surveillance; and
- to control products from third countries.

It is being presented alongside a proposal for a Decision on a consumer framework for the marketing of products. (See [COD/2007/0030](#)). The two proposals seek to complete existing legislative tools and to reinforce Community policies on market surveillance/accreditation. They also seeks to bring coherence to existing sectoral instruments by examining how these horizontal instrument can be applied to all sectors regardless of whether they are "old" or "new" approach.

In summary, the proposed Regulation will:

- organise accreditation at both a national and a European level – irrespective of the sectors involved. The proposal insists on the public authority nature of accreditation;
- set out a framework for recognising the existing “European co-operation for Accreditation” or EA. This will allow for a rigorous peer evaluation;
- ensure that national authorities are given equivalent means of intervention and the necessary authority to intervene in the market should they need to withdraw non-compliant or unsafe products;
- ensure co-operation between the internal authorities and the customs authorities, who control products entering the market from third countries; and
- set up a framework for the exchange of information between national authorities.

In terms of the budgetary impact of the proposal, the Community’s financial contribution is expected to be reduced in overall terms. On a final point, the proposal provides for the simplification of EU legislation and will lead to the repeal of Council Regulation 93/339/EEC.

For further details of the financial impact of the proposal refer to the financial statement.